

UNITED STATES DISTRICT
COURT NORTHERN DISTRICT
OF TEXAS LUBBOCK DIVISION

STATE OF TEXAS, et al.,
Plaintiffs,

v.

XAVIER BECERRA, et al.,
Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. 5:22-CV-00185

JOINT STATUS REPORT

In accordance with this Court's Order [Dkt. #100], the Parties submit this Joint Status Report.

The Parties propose the Court (1) direct entry of a final judgment under Federal Rule of Civil Procedure 54(b) as to the two claims the Court addressed in the Memorandum Opinion and Order granting Plaintiffs' Motion for Preliminary Injunction for the reasons stated in that opinion and order, and (2) stay the remaining claims pending resolution of Defendants' appeal. Specifically, the Parties propose the Court enter partial final judgment with respect to Plaintiffs' Count 2 (alleging that the HHS Guidance (Abortion Mandate) exceeds statutory authority) and Plaintiffs' Count 3 (alleging that Defendants failed to conduct notice and comment in accordance with the requirements of the Medicare Act). *See* Dkt. #18 (Plaintiffs' Amended Complaint) at 22–25; Dkt. #73 (Memorandum Opinion and Order granting Preliminary Injunction) at 39, 55. Defendants would then intend to appeal the partial final judgment, reserving all rights, and the Parties agree that it would be most efficient to stay the remaining claims pending resolution of Defendants' appeal. Thus, the Parties respectfully request that the Court enter a partial final

judgment pursuant to Rule 54(b), and certify that there is “no just reason for delay” pursuant to that Rule. Fed. R. Civ. P. 54(b). Because an appeal of a partial final order on these claims would provide further clarity regarding whether Plaintiffs are entitled to the relief ordered in the Court’s injunction, an immediate appeal is in the interest of both parties and would further judicial economy. The Parties accordingly agree that there is “no just reason for delay.” *Id.*

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON
Chief, General Litigation Division
Texas Bar No. 24087727
Christopher.Hilton@oag.texas.gov

/s/ Amy S. Hilton
AMY SNOW HILTON
Assistant Attorney General
Texas Bar No. 24097834
Amy.Hilton@oag.texas.gov

WILLIAM D. WASSDORF
Assistant Attorney General
Texas Bar No. 24103022
Will.Wassdorf@oag.texas.gov

CHARLES K. ELDRED
Special Counsel for Legal Strategy
Texas Bar No. 00793681
Charles.Eldred@oag.texas.gov

Office of the Attorney General of Texas
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

COUNSEL FOR THE STATE OF TEXAS

/s/Ryan L. Bangert

RYAN L. BANGERT

TX Bar No. 24045446

rbangert@ADFLegal.org

MATTHEW S. BOWMAN

DC Bar No. 993261

mbowman@ADFLegal.org

JULIE MARIE BLAKE

VA Bar No. 97891

jblake@ADFLegal.org

Alliance Defending Freedom

440 First Street NW, Suite 600

Washington, DC 20001

Telephone: (202) 393-8690

Facsimile: (202) 347-3622

**COUNSEL FOR AMERICAN ASSOCIATION
OF PRO-LIFE OBSTETRICIANS AND
GYNECOLOGISTS, AND CHRISTIAN
MEDICAL AND DENTAL ASSOCIATIONS**

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

BRIAN D. NETTER

Deputy Assistant Attorney General

JENNIFER RICKETTS

Director, Federal Programs Branch

ERIC B. BECKENHAUER

Assistant Branch Director

/s/ Christopher Healy

CHRISTOPHER HEALY

ALEXANDER N. ELY

KATE TALMOR

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street NW, Washington, DC 20005

Tel: (202) 616-8244; Fax: (202) 616-8470

alexander.n.ely@usdoj.gov

kate.talmor@usdoj.gov

Christopher.Healy@usdoj.gov

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by electronic notification through ECF by the United States District Court, Northern District of Texas, Lubbock Division, on December 9, 2022.

/s/ Amy S. Hilton
AMY SNOW HILTON
Assistant Attorney General